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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

TETRA FINANCIAL GROUP, L.L.C., a Utah
limited liability company,

Plaintiff,

vs.

FIRE BRAND OF GARNDER, LLC, a
Kansas limited liability company, FIRE
BRAND PARAGOULD, LLC, an Arkansas
limited liability company, WILLIAM H.
POLLACK, a Tennessee citizen, and
SHELDON R. OXNER, a Kansas citizen,

Defendants.

**MEMORANDUM DECISION AND
ORDER GRANTING MOTION FOR
SUBSTITUTION OF PARTIES AND
AMENDMENT OF DEFAULT
JUDGMENT**

Case No. 2:10-cv-00565

Judge Paul M. Warner

Before the Court is Plaintiff Assignee Republic Bank, Inc.'s ("Republic Bank")

Motion for Substitution of Parties and Amendment of Final Judgment. (Docket No. [18]). Republic Bank moves pursuant to Fed. R. Civ. P. 25(c) which allows for substitution of parties when a transfer of interest occurs. This Rule states:

Transfer of Interest. If an interest is transferred, the action may be continued by or against the original party unless the court, on motion, orders the transferee to be substituted in the action or joined with the original party. The motion must be served as provided in Rule 25(a)(3).

Based upon the filings of Republic Bank in support of its motion, the Court finds that the requirements of service under Rule 25(a)(3) have been met. Republic Bank filed the instant motion on April 23, 2014, and as of the date of this decision there has been no opposition filed. Local Rule 7-1(d) provides that the Court may grant a motion if there is no opposition filed. See DUCivR 7-1(d) (2011). Thus, failure to file any opposition is another independent basis for the Court to grant Republic Bank's motion.

Effective April 9, 2014, Tetra Financial Group, LLC ("Tetra") assigned to Republic Bank all of its rights and interests in the following Default Judgment (Docket No. [18]) entered against the Defendants listed below:

Default Judgment (Docket No. [18]) entered against the Defendants on September 7, 2010. The Defendants are:

1. Fire Brand of Gardner, LLC,
2. Fire Brand Paragould, LLC,
3. William H. Pollack, and
4. Sheldon R. Oxner.

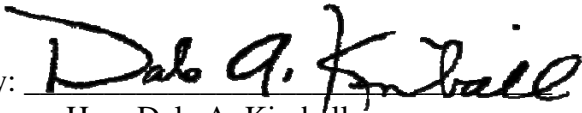
Therefore, in light of the assignment of rights in this suit from original Plaintiff Tetra to Republic Bank, the Court finds Republic Bank's request for substitution of parties under Rule 25 is well taken.

ORDER

Accordingly, for those reasons fully set forth in Republic Bank's memorandum in support of its motion, finding good cause shown, and pursuant to Rule 25(c), the Court GRANTS Republic Bank's Motion for Substitution of Parties and Amendment of Final Judgment. The Clerk of the Court is directed to make the necessary changes to the Final Judgment and all future pleadings are to reflect the substitutions.

DATED this 28th day of April, 2014.

UNITED STATES DISTRICT COURT

By: 

Hon. Dale A. Kimball
United States District Court Judge